

## Who May Appeal?

Either a claimant or an employer may appeal any decision made by this Department regarding a claim. When a notice of appeal is filed, a hearing before an appeals hearing officer will be scheduled, and both parties will be notified and may attend. Hearings are informal, but held in a structured manner. Both parties will be given all assistance possible to help them understand the proceedings and to present their cases.



## How To Appeal

A request for an appeals hearing must be in writing. It may be on an official form available in the local claims office or on the Department's Web site, or it may simply be a letter stating that the party wishes to appeal, sent by mail or fax, to the Nashville central office or a nearby local claims office. The claimant's social security number must be included on all correspondence.

The mailing address is:

Tennessee Department of Labor and  
Workforce Development  
Division of Employment Security  
Appeals Tribunal  
Davy Crockett Tower, Suite 780  
500 James Robertson Parkway  
Nashville TN 37245-0600

The fax number is (615)741-8933. The Web site is [www.tennessee.gov/labor-wfd/esdiv.html](http://www.tennessee.gov/labor-wfd/esdiv.html), select "Appeals Services" and "Forms." The claimant's social security number *must* be included on all correspondence.

## When To Appeal

A letter or notice of appeal must be filed within 15 calendar days of the mailing date of the decision. Otherwise, by law, that decision will become final.

This appeals process is a part of the Employment Security Law, Title 50, Chapter 7, Section 101 through 714 of the Tennessee Code Annotated along with the Rules of the Tennessee Department of Employment Security, 0560-1-1-.01 through 0560-3-4-.09.



## If an Appeal Is Filed

If a claimant files an appeal, the claimant must continue to file weekly certifications in order to receive payment later, if the Appeals Tribunal finds in his favor. If an employer files an appeal and the decision is overturned, an overpayment may result.

*The Tennessee Department of Labor and Workforce Development is an equal opportunity employer. Auxiliary aids and services are available upon request to individuals with disabilities.*

LBP002



*Department of Labor and Workforce Development; January 2004; Pub. Auth. No. 337380; 10,000 copies. This public document was promulgated at a cost of \$ .06 per copy.*

# The Unemployment Insurance Appeals Process



[www.tennessee.gov/labor-wfd/](http://www.tennessee.gov/labor-wfd/)

## The Agency Decision

When a claim for unemployment benefits that involves a separation issue is filed, the separating employer is notified and given 7 days to provide information to the claims office about the reason for the claimant's separation from employment. The employer's statements, if any, along with the forms completed by the claimant when the claim was filed and other pertinent documents are reviewed by an adjudicator. The adjudicator is a well-trained and experienced person who makes a decision on the claim based on all the facts and the applicable Tennessee state law.

The Agency decision is mailed to both the claimant and the employer. Either party who disagrees with that decision may appeal to the Appeals Tribunal by making a written request within 15 calendar days of the mailing date of the Agency's decision. See "How to Appeal" section for further information.



## The Appeals Tribunal

When a notice of appeal is received, the Appeals Tribunal mails the claimant and the employer a notice of hearing setting forth the time, date, and place of the hearing. Each party has the following rights:

1. To testify in his own behalf. All testimony is taken under oath and recorded.
2. To have witnesses testify. *Witnesses should have firsthand knowledge of the issues involved.*

If a witness will not attend a hearing voluntarily, the individual can be subpoenaed.

Requests for subpoenas must be made in writing to the Appeals Tribunal giving the name and address of the witness and a brief statement of why the witness is needed to testify. Requests for subpoenas should be made at the time the appeal is filed or as soon as possible thereafter.

3. To present a document as evidence. Bring the original and 2 copies to the hearing. If a subpoena is needed to secure documentary evidence, the written request must specifically describe the document(s) and why it is important.
4. To question opposing parties and witnesses.
5. To examine all documents that are submitted as evidence.
6. To be represented by an attorney or other representative. Attorney fees are the responsibility of the party represented. If you cannot afford an attorney, free or low cost legal assistance may be available through your local Bar Association or Legal Services Organization.

A copy of the Appeals Tribunal's decision will be mailed to both parties. If you disagree with the Appeals Tribunal's decision, you have the right to appeal that decision to the Board of Review at the Tennessee Department of Labor and Workforce Development, Division of Employment Security, Board of Review, Davy Crockett Tower, Suite 770, 500 James Robertson Parkway, Nashville, Tennessee 37245-0700, phone number (615)741-2736 or fax number (615)741-0290. An appeal to the Board of Review may be filed by mail, fax, or in person. The appeal must be filed or postmarked within 15 calendar days of the mailing date of the Appeals Tribunal decision.

## The Board of Review

When a notice of appeal is filed with the Board of Review a hearing is not automatically scheduled. All interested parties are given the opportunity to offer additional evidence; if the additional evidence is relevant to the issue under appeal, an additional hearing may be scheduled. All interested parties will be notified by mail of the time, date, and place of the hearing. Requests for subpoenas should conform to the same guidelines that apply to hearings before the Appeals Tribunal. If no additional evidence is to be presented, the Board will review the evidence presented before the Appeals Tribunal. After considering all evidence, the Board may agree with, change, or reverse the Appeals Tribunal decision. A written copy of the Board's decision will be mailed to all those interested in the case. Interested parties may be represented by an attorney, if they wish. Attorney fees are the responsibility of the party represented.



## The Courts

If you choose to have the case reviewed further, you must file a petition against the Commissioner of Labor and Workforce Development in Chancery Court of the Tennessee county where you live. Out-of-state appellants may file in Davidson County Chancery Court. This will be a formal legal proceeding in Court, so it is advisable that the appellant consult an attorney at this point. He will then get a judicial review of the decision made by this department.